

Settlement/Hearing: October 4th, 2010
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

JOSEPH A. PAGLIOCCA,

Debtor(s)

-----X

Chapter 13
Case No. 10-23264 RDD

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 4th day of October, 2010 at 10:00 A.M., at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
August 30th, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Joseph A. Pagliocca
35 Twin Elms Lane
New City, New York 10956

Derek Sherman Tarson, Esq.
Legal Aid Society of Rockland County
2 Congers Road
New City, New York 10956

Santander Consumer, USA
P.O. Box 660633
Dallas, Texas 75266

NationStar Mortgage
P.O. Box 829009
Dallas, Texas 75382

CitiBank South Dakota, NA
701 East 60th Street
Sioux Falls, South Dakota 57104

Department of the Treasury
Internal Revenue Service
Kansas City, Missouri 64999-0002

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 10-23264 RDD

JOSEPH A. PAGLIOCCA,

Debtor(s)
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ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee, having moved for an order dismissing this chapter 13 case, and upon the motion and the record of the October 4, 2010 hearing thereon, the Court having found that the above-captioned debtor has failed to comply with the provisions of 11 U.S.C. §1307(c)(1) and (c)(4), 11 U.S.C. §521(i) and (e)(2)(A)(i), having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to appear at the scheduled confirmation hearing on August 25, 2010; failed to remit timely proposed plan payments to the trustee, failed to provide the required documentation, in part, payment advices and evidence of other payments received within 60 days; and seven (7) days prior to the 341(a) meeting of creditors Federal and New York State tax returns for the year immediately prior to filing,, and the Court having also found that the debtor's plan is not feasible and that the debtor is unable to confirm a plan, and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
October , 2010

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
-----X

IN RE:

Chapter 13
Case No. 10-23264 RDD

JOSEPH A. PAGLIOCCA,

TRUSTEE'S AFFIDAVIT

Debtor(s)

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on June 21st, 2010.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1)
and (c)(4).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which
requires the debtor to file , in part, payment advices and evidence of other payments received within
60 days.
5. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code
which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors*,
copies of federal and state tax returns for the most recent year immediately prior to the
commencement of the case.
6. The debtor failed to remit timely proposed plan payments to the trustee,
having remitted -0- payments, and being, at this juncture, two months in arrears.
7. The debtor failed to appear at the scheduled confirmation hearing on August
25th, 2010, although counsel did in fact appear.
8. The debtor has failed to provide the trustee with certain of the required
documentation, to wit, a third-party affidavit of contribution.

9. The debtor's Schedules I and J reveal a negative income rendering the plan as proposed infeasible.

10. At the aforesaid confirmation hearing held on August 25th, 2010, the debtor's case demonstrated infeasibility and an inability to confirm.

11. The delay created by the debtor is prejudicial to creditors.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
30th day of August, 2010
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 10-23264 RDD

JOSEPH A. PAGLIOCCA,

Debtor(s)

-----X

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On August 30th, 2010 I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Joseph A. Pagliocca
35 Twin Elms Lane
New City, New York 10956

Derek Sherman Tarson, Esq.
Legal Aid Society of Rockland County
2 Congers Road
New City, New York 10956

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Dallas, Texas 75266

NationStar Mortgage

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Dallas, Texas 75382

CitiBank South Dakota, NA
701 East 60th Street
Sioux Falls, South Dakota 57104

Department of the Treasury
Internal Revenue Service
Kansas City, Missouri 64999-0002

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
30th day of August, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/10